

Mail Stop Interference  
P.O. Box 1450  
Alexandria Va 22313-1450  
Tel: 571-272-4683  
Fax: 571-273-0042

Paper 1  
Filed: 17 October 2008

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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ROBERT W. **RATTE** and NORMAN E. PETERSON  
Junior Party  
(Patent 6,902,095),

v.

BERNARD N. **SPIEGELBERG** and TERRY J. EVRAETS  
Senior Party  
(Application 11/268,497).

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Patent Interference No. 105,659 (SCM)  
(Technology Center 1700)

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1

**DECLARATION - Bd.R. 203(b)<sup>1</sup>**

2

**Part A. Declaration of interference**

4

An interference is declared (35 U.S.C. § 135(a)) between the above-  
5 identified parties. Details of the application(s), patent (if any), reissue

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<sup>1</sup> "Bd.R. x" may be used as shorthand for "37 C.F.R. § 41.x". 69 Fed. Reg. 49960, 49961 (12 Aug. 2004).

1 application (if any), count(s) and claims designated as corresponding or as  
2 not corresponding to the count(s) appear in Parts E and F of this  
3 DECLARATION.

4           **Part B. Judge managing the interference**

5           Administrative Patent Judge Sally C. Medley has been designated to  
6 manage the interference. Bd. R. 104(a).

7           **Part C. Standing order**

8           A Trial Section STANDING ORDER [SO] (Paper 2) accompanies  
9 this DECLARATION. The STANDING ORDER applies to this  
10 interference.

11           **Part D. Initial conference call**

12           A telephone conference call to discuss the interference is set for  
13 **1:00 p.m. on 11 December 2008** (the Board will initiate the call).

14           No later than **four business days** prior to the conference call, each  
15 party shall file and serve (SO ¶¶ 10.1 & 105) a list of the motions  
16 (Bd. R. 120; Bd. R. 204; SO ¶¶ 104.2.1, 120 & 204) the party intends to file.

17           A sample schedule for taking action during the motion phase appears  
18 as Form 2 in the STANDING ORDER. Counsel are encouraged to discuss  
19 the schedule prior to the conference call and to agree on dates for taking  
20 action. A typical motion period lasts approximately eight (8) months.

21           Counsel should be prepared to justify any request for a shorter or longer  
22 period.

1                   **Part E. Identification and order of the parties**

2                   Junior Party

3  
4         Named inventors:      ROBERT W. RATTE, North Oaks, MN  
5                                   NORMAN E. PETERSON, Wyoming, MN  
6

7         Involved Patent:       U.S. Patent 6,902,095, issued 07 June 2005,  
8                                   based on application 10/613,781, filed 03  
9                                   July 2003

10       Title:                  Two Part Cold Formed Battery Terminal

11       Assignee:               Water Gremlin Co.

12                   Senior Party

13       Named Inventors:       BERNARD N. SPIEGELBERG,  
14                                   Mequon, WI  
15                                   TERRY J. EVRAETS, West Bend, WI

16       Involved Application:   11/268,497, filed 08 November 2005

17       Title:                  Cold Formed Battery Terminal

18       Assignee:               Tulip Corp.

19       The senior party is assigned exhibit numbers 1001-1999. The junior

20       party is assigned exhibit numbers 2001-2999. Bd. R. 154(c)(1);

21       SO ¶ 154.2.1. The senior party is responsible for initiating settlement  
22       discussions. SO ¶ 126.1.

23

24

25

1                   **Part F. Count and claims of the parties**

2                   Count 1

4                   Claim 1 of Ratte's U.S. Patent 6,902,095

6                   or

8                   Claim 27 of Spiegelberg's Application 11/268,497

11                  The claims of the parties are:

13                  Ratte:                           1-9

15                  Spiegelberg:                   27-35

18                  The claims of the parties which correspond to Count 1 are:

20                  Ratte:                           1-9

22                  Spiegelberg:                   27-35

25                  The claims of the parties which do not correspond to Count 1, and

26                  therefore are not involved in the interference, are:

27                  Ratte:                           none

29                  Spiegelberg:                   none

The parties are accorded the following benefit for Count 1:

Ratte: none

Spiegelberg: 10/162,059, filed 04 June 2002,  
now U.S. Patent 7,163,763,  
issued 16 January 2007

- 1       **Part G. Heading to be used on papers**
- 2       The following heading must be used on all papers filed in this
- 3       interference, see SO & 106.1.1:

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1           **Part H. Order form for requesting file copies**

2       When requesting copies of files, use of SO Form 4 will greatly  
3       expedite processing of the request. Please attach a copy of Parts E and F of  
4       this DECLARATION with a hand-drawn circle around the patents and  
5       applications for which a copy of a file wrapper is requested.

6

/Sally C. Medley/  
Administrative Patent Judge

Enc:

Copy of STANDING ORDER  
Form PTO-850  
Examiner's write-up  
Copy U.S. Patent 6,902,095  
Copy U.S. Patent 7,163,763  
Copy of claims of 11/268,497

Revised 3 January 2006

cc (via overnight delivery):

Attorney for Ratte:

Jacobson & Johnson  
One West Water Street, Suite 285  
St. Paul, MN 55107

Attorney for Spiegelberg:

Foley & Lardner LLP  
3000 K Street Suite 500  
Washington, DC 20007